



employer advisor

Published quarterly by the Utah Department of Workforce Services • jobs.utah.gov

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For real-time help, use our Live Chat feature in the upper right-hand corner of <https://jobs.utah.gov/ui/employer/employerhome.aspx>



New Features on jobs.utah.gov

During the last three years, the Utah Department of Workforce Services completed a project to improve our website and online services for both job seekers and employers. Over the last year, we collected feedback on how the site works and what changes people would like to see. Based on this feedback, we rolled out on October 1 many enhancements to both the job seeker and employer webpages found

on jobs.utah.gov. Some of the improvements to the employer site include:

Onsite Recruitments — Employers can now schedule onsite recruitments through the website.

Pre-Screening Questions — Employers can add up to three screening questions allowing them to narrow their applicant pool based on job requirements.

Star Rating — The more qualifications a candidate

has for a specific job opening, the higher their star rating. This helps the employer to easily find the best-qualified candidates.

Other improvements include improved job seeker matching, the ability to upload an application, a new message center, wage feedback and the ability to preview resumes.

We hope that you find the new enhancements useful and look forward to receiving feedback.

Employee or Independent Contractor?

A common issue that an employer must address is whether to classify a worker as an employee or as an independent contractor. Section 35A-4-204(3)(a,b) of the Utah Employment Security Act states that to be an independent contractor and exempt from Unemployment Insurance, an individual must meet two conditions: (a) be customarily engaged in their own independently established business, and (b) be free from the employer's control and direction.

The following factors are considered to determine whether a worker is independently established: has a separate place of business, own tools and equipment, has other clients, can realize a profit or loss, advertises, possesses the required licenses, and files business related IRS tax returns.

The following factors are considered to determine whether a worker is free from

control and direction: required to follow instructions, received training, works on the employer's premises, assigned specific hours of work, and the method of payment.

The independent contractor test is conjunctive. By law, unless both conditions are met, the worker is not considered to be independent and must be reported as an employee. When requested, the employer must provide evidence to Workforce Services why the worker was classified as an independent contractor. Visit www.rules.utah.gov/publicat/code/r994/r994-204.htm#T5 to see the administrative rules regarding independent contractor classification requirements.

For additional information, please refer to the "Guidelines for Employment Status" at <https://jobs.utah.gov/ui/employer/Public/GuidelinesForEmploymentStatusABTest.pdf>



Post your jobs online here:

jobs.utah.gov/employer

Get occupational wage data here:

jobs.utah.gov/wi

Report on Utah's Unemployment Compensation Fund

Utah was one of only 15 states able to maintain solvency of its Unemployment Compensation Fund (UI fund) during the 2009 recession. Utah's solvency during this time is attributed to the strength of the UI fund prior to going into the recession. This relieved Utah from having to borrow money from the federal government to continue paying unemployment benefits. There are still five states that continue to owe \$7.5 billion to the federal government. Employer contributions into the UI fund are used solely to pay unemployment benefits.

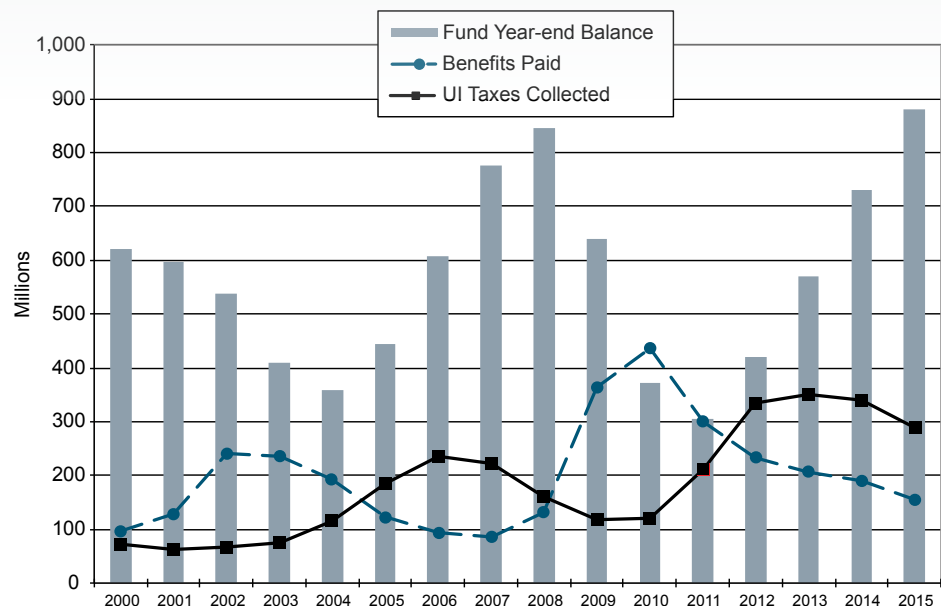
The UI fund balance in and of itself does not tell the full story. Based on the UI fund balance as of June 30 each year, the highest years of unemployment benefits in the last 25 years, and the total wages in Utah, the Utah Unemployment Division establishes the maximum and minimum adequacy reserve amounts. A healthy trust fund balance lies between the minimum and maximum adequacy levels.

Management of the UI fund is based on the strategy to increase the bal-

ance of the fund during healthier economic times in order to fund an increase in outgoing benefit payments during economic downturns. There is a counter-cyclical relationship between contributions collected and benefits paid, as illustrated in the chart below.

Utah's UI fund is healthy and employers will see the benefits of this with their Annual Rate Notices mailed in December 2015.

Unemployment Insurance Contributions vs Benefits Paid



The Utah Unemployment Insurance (UI) program received national recognition by the U.S.

Department of Labor for operating faster, more effectively, and with higher quality than any other medium-sized state in the nation.

The award was presented at the National UI Directors' Conference hosted in New Mexico, during October 2015. Utah has won the award for the past five years. We would like to thank all employers for their commitment to a strong Utah economy.